



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-45**

December 4, 2002

Robert Principato
47 Catamount Rd.
Tewksbury, MA 01876

RE: DES Wetlands File #2001-00393 Howe Rd, Wilmot

Dear Mr. Principato:

On May 15, 2002, DES issued a wetland permit #2001-393 to you to dredge and fill approximately 428 square feet within the banks of Cascade Brook to construct a bridge to provide access to a single family building lot.

On October 29, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Wilmot Tax Map 13 as Lot 41 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection and a review of the file, the following deficiencies were documented:

1. A culvert pipe measuring 42 feet long and associated fill had been placed in the channel of Cascade Brook. Specific Condition #4 of your Permit states "No work shall occur in the water, other than the temporary placement of sand bags at the toe of the stream banks". The culvert and associated fill are violations of Specific Condition #4.
2. Approximately 800 square feet of stream bank and channel had been dredged. Specific Condition #9 states "Work shall be conducted in a manner so as to minimize disturbance to the stream banks and existing vegetation". 800 square feet of dredge violates Specific Condition #9 and exceeds the total permitted amount of impact of 428 square feet.
3. A large boulder and several stones with soil and scrape marks had been deposited in the stream channel.

Review of photographs submitted by an eyewitness reveal the following additional violations

1. Machinery was photographed in the channel of Cascade Brook. Specific Condition #3 of your Permit states that "No machinery shall enter the water".

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2. Photographs show excessive turbidity in the stream water. Specific Condition #8 states that "Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands and Specific Condition #10 states that work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

In response, you are requested to take the following actions

1. Within 10 days retain a qualified environmental consultant to develop a restoration plan for the channel and banks of Cascade Brook.
2. Within 15 days, submit documentation that an environmental consultant has been retained to develop the restoration plan.
3. Within 30 days submit a restoration plan that includes the following:
 - a. A plan with dimensions, drawn to scale, showing existing conditions and the limits of DES Wetlands Bureau jurisdiction. The plan should include the following provisions:
 1. Proposed conditions after reestablishing the jurisdictional areas;
 2. A construction sequence and timetable for removing the culvert pipe and associated fill and restoring the impacted channel and banks to the original permitted footprint.
 3. A detailed description of the proposed means of erosion and turbidity control;
 4. A detailed description of the proposed planting plan for the stabilization and revegetation of the impacted areas;
 5. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project.
 6. A proposed monitoring plan, including at least two restoration progress assessment reports to be filed with DES after a full growing season

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit or exceeds the conditions of a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

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All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Arlene Allen, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7000167000005854645

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Wilmot Conservation Commission
Wilmot Board of Selectmen
David Killoy, USACOE